REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed October 28, 2003. Claims 1, 23, and 34 have been cancelled without prejudice, waiver, or disclaimer. Reconsideration and allowance of the application and pending claims 2-22 and 24-33, 35-44 are respectfully requested.

I. Claim Objections

According to the Office Action,

> Claims 23, 24, 25 and 27 are objected to because of the following informalities: Claims 23 and 24 should be separated into separate paragraphs. Claim 25 depends on claim 24, claim 27 depends on claim 26, and both should read as such. Appropriate correction is required.

Applicant has corrected the informalities as requested by the Examiner, except that claim 25, through amendment, depends on claim 26. Applicant believes that these objections are now overcome and respectfully requests that the objection be withdrawn.

II. Claim Rejections - 35 U.S.C. § 102(b)

A. Statement of the Rejection

Claims 1-5, 15, 16, 19, 20, 23, 28, 29, 30, 34, 36, 37, and 44 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bertram et al. ("*Bertram*," U.S. Pat. No. 5,737,028).

Applicant respectfully traverses this rejection. As claims 1 and 23 have been cancelled, claims 6 and 26 will be used to address the rejections to claims 1 and 23, respectively.

B. Applicant's Claimed Invention

3. The method of claim 6, further comprising the step of receiving a third and fourth user input corresponding to the cessation of the first user input and the second user input, respectively, to release the item at a displayed graphical container.

4. The method of claim 6, further comprising the step of displaying the movement of the item as the item is dragged.

6. A method for providing interactive media services in a client device coupled to a subscriber network television system, the method comprising the steps of:

responsive to a first user input, selecting an item in a displayed television signal on a screen, wherein the item represents media content having program information; and

responsive to a second user input, dragging the item away from a first visual location in the displayed television signal, wherein the step of dragging further includes the steps of storing screen coordinates of the first visual location of the item and storing screen coordinates of a second visual location of the item as the item is dragged across the screen in a memory in the client device.

15. The method of claim 6, further comprising the step of dropping off the dragged item in at least one graphical container displayed in at least one television screen.

16. The method of claim 15, further comprising the step of browsing a list of items located in the graphical container.

26. A system for providing interactive media services in a client device coupled to a subscriber network television system, the system comprising:

a memory for storing logic; and

a processor for executing the logic stored in memory, such that the logic is configured to generate a user interface on a television screen, wherein the television screen is responsive to user input, such that the logic is configured to cooperate with the remote control device to cause a menu item to be selected, picked up, and translated across the television screen, wherein the memory further comprises the television screen coordinates of a first visual location of the picked-up menu item and a corresponding media graphical icon and television screen coordinates of a second visual location as the menu item and the media graphical icon are moved across the television screen.

29. The system of claim 26, further comprising at least one graphical container on the television screen, wherein the graphical containers represent destinations for at least one of the moved menu items.

30. The system of claim 29, wherein the graphical containers include browsable list entries for the menu items.

37. The system of claim 26, wherein the remote control device further comprises at least an activation button and at least one arrow key.

C. Discussion of the Rejection

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of *each element* of the claim under consideration." W. L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)(emphasis added). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

In the present case, not every feature of the claimed invention is represented in the *Bertram* reference. Additionally, the *Bertram* reference does not provide an enabling disclosure for all of the claim elements.

1. Independent Claim 6

In the present case, not every feature of the claimed invention is represented in the *Bertram* reference. In particular, the *Bertram* reference does not disclose at least "responsive to a second user input, dragging the item away from a first visual location in the displayed television signal, **wherein the step of dragging further includes the steps of storing screen coordinates of the first visual location of the item and storing screen coordinates of a second visual location of the item as the item is dragged across the screen in a memory in the client device**," as recited in claim 6. The Office Action alleges,

> Regarding claim 1, Bertram et al. disclose a method for providing interactive media services in a subscriber network television system (col. 2, lines 40-45), the method comprising the steps of receiving a first user input from a remote control device (2) indicating a user's desire to select an item of displayed media content information

> (Figure 14) and receiving a second user input form the remote control device indicating the user's desire to drag the item of media content information to a destination desired by a user (col. 39, lines 26-34), all a part of the commonly known drag and drop function.

The cited section, col. 39, lines 26-34, provides,

> Further, in a manner similar to the "drag and drop" functionality of certain personal computer system software, the command processor circuitry responds to manipulation of said remote control device by enabling the human observer to move a cursor image to a menu item, select for displacement a menu item overlain by the cursor image, and move a selected menu item across the visual image displayed by the visual display device.

However, nothing in the portions cited by the Office Action nor in the balance of the specification or drawings discloses, teaches, or suggests the mechanism to enable the drag and drop functionality to be performed in a television system. Amended claim 6 provides one embodiment that describes a mechanism to drag the item across the television screen, namely, "**storing screen coordinates of the first visual location of the item and storing screen coordinates of a second visual location of the item as the item is dragged across the screen in a memory in the client device**." Thus, Applicant submits that the *Bertram* reference does not anticipate amended claim 6, and respectfully requests that the rejection of this claim be withdrawn.

Further, because independent claim 6 is allowable over the *Bertram* reference, dependent claims 2-5 and 7-22 are allowable as a matter of law for at least the reason that the dependent claims 2-5 and 7-22 contain all elements of their respective independent base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

2. Dependent Claim 2-4, 15, and 16

In addition, dependent claims 2-4 and 15-16, among other dependent claims, are allowable over the *Bertram* reference on other grounds. For example, the rejection of claim 3 alleges,

> Regarding claim 3, Bertram et al. disclose the method of claim 1, and additionally disclose a fourth and fifth user input corresponding to the cessation of the first and second user inputs, respectively, to release the displayed media content information item at the destination desired by the user, since Bertram et al. disclose "drag and drop" functionality to be implemented by a remote control (col. 39, lines 26-30), user inputs responding to a user's desire to no longer drag and item and to de-select and item are inherent features, without which the functionality of building a user defined list of multiple items (col. 40, lines 15-19) would not be possible if only one item could be selected and dragged.

First, there is nothing in the cited portion, col. 39, lines 26-30, that discusses "receiving a third and fourth user input corresponding to the cessation of the first user input and the second user input, respectively, **to release the item at a displayed graphical container**," as recited in claim 3. Clearly it is not inherent to drop an item at a container, as it is possible to just drag an item to another region of a screen. The cited portion just discloses the movement of "a selected menu item across the visual image displayed by the visual device." Second, the portion used by the Office Action to support the inherent nature of de-selection (col. 40, lines 15-19) is not relevant to "drag and drop" functionality. Instead, the cited portion refers to Figure 17, which appears to show a "List" function button icon and other icons to select for adding to the list. To elaborate, col. 40, lines 15-19 provide,

> A list of desired viewing options can be created by selecting the function "List" to add the currently viewed signal stream, then progressively selecting and adding other choices to the list.

It is Applicant's understanding that this section provides that the user selects the "List" button icon to place the user in a mode that allows for entry of the various choices (*e.g.*, BET, Classic, etc.) in a list simply by selecting the corresponding button icons. When the user has completed his or her choices, the "Done" button icon is selected. (See Col. 40, line 27). There is no drag and drop mechanism described for this "list" function, and the applicability of drag and drop functionality to the "list" function is not evident simply from the disclosure of the same in the reference. Perhaps more illuminating on this point is the quotation from Laitram Corp. v. Cambridge Wire Cloth Co., 226 USPQ 289, 293 (D. Md. Mag. 1985), where the court stated, "To illustrate this notion, you cannot claim that the existence of a unicorn should be obvious from taking a trip to the zoo and seeing a horse and a white rhinoceros in adjacent cages. It takes a spark of inventiveness to look at a horse and then look at a white rhinoceros and then conceive the idea of a white horse with a horn." Thus, Applicant respectfully submits that the *Bertram* reference does not anticipate claim 3, and respectfully requests that the rejection of claim 3 be withdrawn.

As another example, Applicant respectfully traverses the rejection of claim 4. The Office Action alleges,

> Regarding claim 4, Bertram et al. disclose the method of claim 1, and additionally disclose the step of displaying the movement of the displayed media content information item as the second user input is received (col. 39, lines 32-33).

Applicant respectfully disagrees. In fact, the portion cited (col. 39, lines 32-33) provides,

> ...and move a selected menu item across the visual image displayed by the visual display device.

Applicant submits that since moving a selected menu item can conceivably be accomplished in a manner that is transparent to the user, and thus absent language setting forth such visual feedback, the *Bertram* reference fails to disclose "displaying the movement of the item as the item is dragged," as recited in claim 4.

As another example, Applicant respectfully traverses the rejection of claim 15. The Office Action alleges,

> Bertram et al. disclose the method of claim 1, and additionally disclose the step of dropping off the dragged media content information item in at least one graphical container displayed on at least one television screen, which would be the result of the combination of the afore cited drag and drop operation with the "List" function (col. 40, lines 15-24), with an example of the graphical container in Figure 14.

As explained above in reference to the claim 3 rejection, the "List" function is not described as a drag and drop function, and to relate it to drag and drop appears to be an example of improper hindsight reasoning. Further, what is shown in Figure 14 is not a "**graphical container**" in which an item is dropped off according to claim 15, but is instead described as a "pull down menu" from which a user can access different services. (See col. 39, lines 50-62). Thus, the *Bertram* reference does not anticipate claim 15, and Applicant respectfully requests that the rejection be withdrawn.

As another example, Applicant respectfully traverses the rejection to claim 16. The Office Action alleges,

> Regarding claim 16, Bertram et al. disclose the method of claim 15, and additionally disclose the step of browsing a list of media content information items located in the graphical container (col. 40, lines 23-26).

As a graphical container has not been disclosed in claim 15, as explained above, "**browsing a list of items located in the graphical container**," as recited in claim 16, is not possible. Thus, Applicant respectfully traverses the rejection to claim 16 and respectfully requests the withdrawal of the rejection to claim 16.

3. Independent Claim 26

Not every feature of the claimed invention is represented in the *Bertram* reference. In particular, the *Bertram* reference does not disclose at least "a processor for executing the logic stored in memory, such that the logic is configured to generate a user interface on a television screen, wherein the television screen is responsive to user input, such that the logic is configured to cooperate with the remote control device to cause a menu item to be selected, picked up, and translated across the television screen, **wherein the memory further comprises the television screen coordinates of a first visual location of the picked-up menu item and a corresponding media graphical icon and television screen coordinates of a second visual location as the menu item and the media graphical icon are moved across the television screen**," as recited in claim 26. The Office Action alleges,

> Regarding claim 23, Bertram et al. disclose a system for providing interactive media services in a subscriber network television system, the system comprising a memory for storing logic (45) and a processor (39) for executing the logic stored in memory, such that the logic is configured to generate a user interface on a screen

> (Figure 18), wherein the screen is responsive to user input (col. 39, lines 19-26), such that the logic is configured to cooperate with the remote control device (20) to cause an item of media content information to be selected and translated across the screen (col. 39, lines 26-34).

The cited section, col. 39, lines 26-34, provides,

> Further, in a manner similar to the "drag and drop" functionality of certain personal computer system software, the command processor circuitry responds to manipulation of said remote control device by enabling the human observer to move a cursor image to a menu item, select for displacement a menu item overlain by the cursor image, and move a selected menu item across the visual image displayed by the visual display device.

However, nothing in the portions cited by the Office Action nor in the balance of the specification or drawings discloses, teaches, or suggests the mechanism to enable the drag and drop functionality to be performed in a television system. Amended claim 26 provides one embodiment that describes a mechanism to drag the item across the television screen, namely, "**wherein the memory further comprises the television screen coordinates of a first visual location of the picked-up menu item and a corresponding media graphical icon and television screen coordinates of a second visual location as the menu item and the media graphical icon are moved across the television screen.**" Thus, Applicant submits that the *Bertram* reference does not anticipate amended claim 26.

Further, because independent claim 26 is allowable over the *Bertram* reference, dependent claims 24-25 and 27-33, and 35-44 are allowable as a matter of law.

4. Dependent Claims 29-30 and 37

In addition, dependent claims 24-25 and 27-33, and 35-44, among other dependent claims, are allowable over the *Bertram* reference on other grounds. For example, the rejection of claim 29 alleges,

> Regarding claim 29, Bertram et al. discloses the system of claim 23, and additionally disclose the system to comprise at least one graphical container on the display screen, wherein the graphical containers represent destinations for at least one of the moved media content information items (FIG. 14).

Applicant respectfully disagrees. Figure 14 does not show a system that comprises a graphical container, "**wherein the graphical containers represent destinations for at least one of the moved menu items**." Instead, what is shown in FIG. 14 is what is described in the specification as a "pull down menu" from which a user can access different services. (See col. 39, lines 50-62). Thus, the *Bertram* reference does not anticipate claim 29, and Applicant respectfully requests that the rejection be withdrawn.

As another example, Applicant respectfully traverses the rejection of claim 30. The Office Action alleges,

> Regarding claim 30, Bertram et al. disclose the system of claim 29, and additionally disclose the graphical containers to include browsable list entries for the media content information items (col. 40, lines 23-26).

Applicant respectfully disagrees. Since *Bertram* fails to disclose the "**graphical containers**" as recited in claim 29, "**browsable list entries**" included in the "**graphical containers**," as required under claim 30, would also not be available. Thus, Applicant respectfully requests that the rejection to claim 30 be withdrawn.

As another example, Applicant respectfully traverses the rejection to claim 37. The Office Action alleges,

> Regarding claim 37, Bertram et al. disclose the system of claim 23, and additionally disclose the remote control device to comprise at least and activation button and at least one arrow key (col. 35, lines 15-37).

Applicant respectfully disagrees. The cited portion (col. 35, lines 15-37) does not disclose a remote control device that "comprises at least an activation button **and at least one arrow key**," as recited in amended claim 37. Thus, Applicant respectfully requests that the rejection to claim 37 be withdrawn.

III. Claim Rejections - 35 U.S.C. § 103(a)

A. Statement of the Rejections

Claims 6, 7, and 8 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bertram* in view of Johnson, et al. ("*Johnson*", U.S. Pat. No. 5,808,611).

Claims 9, 10, 11, 17, 18, 32, and 33 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bertram in view of Matthews III, et al. ("*Matthews*", U.S. Pat. No. 6,025,837).

Claims 12 and 13 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bertram* in view of *Matthews* and *Johnson*.

Claims 24 and 25 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bertram* in view of Nykanen et al. ("*Nykanen*", U.S. Pat. No. 6,362,841).

Claim 14 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bertram* in view of *Matthews* and *Johnson*, as applied to claim 12, in further view of *Nykanen*.

Claims 26 and 27 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Bertram* as applied to claim 23, and further in view of *Matthews* and *Johnson*.

Claims 22, 31, and 38-42 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bertram in view of Magid et al. ("*Magid*", U.S. Pat. No. 5,764,873).

Claim 35 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bertram in view of Young et al. ("*Young*", U.S. Pat. No. 2003/0159147 A1).

Applicant respectfully traverses these rejections. As several of the claims have been amended, Applicant will address the claim rejections in light of those claim amendments.

B. Discussion of the Rejection

As acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a proper case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Accordingly, to make a proper case for obviousness, there must be some prior art teaching or established knowledge that would suggest to a person having ordinary skill in

the pertinent art to fill the voids apparent in the applied reference. It is respectfully asserted that no such case has been made in the outstanding Office Action.

In addition to the above described defects of the rejection, Applicant respectfully asserts that the proposed combinations are improper. It has been well established that teachings of references can be combined only if there is some suggestion or incentive to do so. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, there must be a teaching in the relevant art which would suggest to a person having ordinary skill in that art the desirability of combining the prior art.

C. Claims 6, 7, and 8

With regard to claim 6, the Office Action accurately submits,

> Regarding claim 6, Bertram et al. disclose the method of claim 1, but fail to disclose the step of storing the coordinates of the original residence of the media content information item and the television screen coordinates of the media content information item as the item is dragged across the television screen in a memory in the client device.

However, the Office Action continues,

> While this may be considered an inherent feature of the drag and drop functionality, Johnson et al. specifically disclose the storage of the coordinates of a graphical object in memory (Abstract, lines 9-12, and col. 5, lines 40-43). Coordinates of the original residence of the object are stored in memory (24) in the client device, and the screen coordinates of the object are also stored in the same memory as the object is dragged across the display (col. 2, lines 31-34).
>
> It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Bertram et al. to include the step of storing the coordinates of the original residence of the

> media content information item and the television screen coordinates of the media content information item as the item is dragged across the television screen in a memory in the client device as taught by Johnson et al. The reason for doing so would be for the typical advantage of rendering the media content information item in the correct position on the display, both when the item is at its original residence, and when it is dragged across the television screen.

Applicant respectfully traverses the finding that it would have been be obvious to modify the method disclosed by *Bertram* to include the step of storing the coordinates as the item is dragged across the television screen in a memory. *Bertram* fails to provide an enabling disclosure for "dragging the item away from a first visual location **in the displayed television signal**." The use of *Johnson*, a patent that describes positioning for multiple icons in a "computer system" (see title and Figure 1), fails to remedy the deficiency of *Bertram* in that drag and drop functionality for a **displayed television signal** is still not disclosed. Applicant respectfully requests that the rejection be withdrawn.

As claims 7 and 8 are dependent on claim 6, claims 7 and 8 are allowable as a matter of law. Additionally, the Office Action alleges in the rejection of claim 8,

> The "ObjectInfo" structure is admitted to be flexible (col. 4, lines 61-65), and it would have been obvious at the time to a person of ordinary skill in the art to store the screen coordinates as relative to the original residence coordinates in the manner taught by Johnson et al. for calculating position (col. 6, lines 7-15),...

Applicant traverses the finding of obviousness. Applicant does not see where in the cited portion (col. 4, lines 61-65) the "ObjectInfo" structure is described as being flexible in the use of absolute versus relative screen coordinates. Additionally, the calculations of the position of a new object found in the portion cited by the Office Action (col. 6, lines 7-15) would appear to be flawed if relative coordinates were used, and there is no discussion on

treating the calculation with other than absolute coordinates. Applicant respectfully requests that the rejection be withdrawn.

D. Claims 9, 10, 11, 17, 18, 32, and 33

With regard to claim 9, the Office Action alleges,

> It would have been obvious at the time to a person having ordinary skill in the art to modify the method disclosed by Bertrand et al. to include the step of retrieving a media content information item and its corresponding media content information from the original residence of the media content title as taught by Matthews III, et al., thus making the media content information item and corresponding media content information available.

Applicant respectfully traverses the finding of obviousness. *Bertram* does not disclose "dragging the item away from a first visual location **in the displayed television signal**," as recited in claim 6 from which claim 9 depends. No such "draggable" item is disclosed in *Matthews* either. In fact, *Matthews* is another computer system, and not a subscriber television system which uses a "**displayed television signal**" across which an item is dragged as recited in claim 6 from which claim 9 depends. Thus, the combination of *Matthews* and *Bertram*, even assuming *arguendo* that they are properly combinable, nonetheless fail to recite all of the limitations of claim 9. Applicant respectfully requests that the rejection be withdrawn.

As claims 10 and 11 depend on claim 9, claims 10 and 11 are allowable as a matter of law.

Regarding claim 17, the Office Action alleges,

> It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Bertram et al. to associate the activation operation with the drag and drop operation as

> taught by Matthews III, et al. by associating the activation instruction with the graphical container, making activation of a media content item in whatever form desired possible through a simple drag and drop operation.

Applicant respectfully traverses the finding of obviousness. The "item" dragged in the *Matthews* computer screen is not dropped off in a graphical activation container, but instead appears to "morph" into an icon. This is not the same as "activating an operation responsive to dropping off the dragged item into a **graphical activation container**," as recited in claim 17. Thus, the explicit limitations of claim 17 have not been met by the combined references. Applicant respectfully requests that the rejection be withdrawn.

Regarding claim 32, the Office Action alleges,

> It would have been obvious to a person of ordinary skill in the art to modify the method disclosed by Bertram et al. to associate the activation operation with the drag and drop operation as taught by Matthews III, et al. by associating an activation instruction with at least one graphical container, making activation of a media content item in whatever form desired possible through a simple drag and drop operation.

Applicant respectfully traverses the finding of obviousness. There are no **graphical containers** in *Matthews* or *Bertram* to receive a dragged item. Thus, neither *Bertram* nor *Matthews*, alone or in combination, disclose, teach, or suggest "wherein at least one of the **graphical containers include graphical activation containers for enabling operations on the menu items**," as recited in claim 32. Applicant respectfully requests that the rejection be withdrawn.

E. Claims 12 and 13

With regard to claim 12, the Office Action alleges,

> It would have been obvious at the time to a person having ordinary skill to modify the method disclosed by Bertram et al. to include the step of storing the coordinates of the original residence of the media content information item and the television screen coordinates of the media content information item as the item is dragged across the television screen in memory in the client device as taught by Johnson et al. The reason for doing so would be for the typical advantage of rendering the media content information item in the correct position on the display, both when the item is at its original residence, and when it is being dragged across the television screen.

Applicant respectfully traverses the finding of obviousness. As described above, none of these references discloses, teaches, or suggests dragging an item in a "**displayed television signal**" as recited in base claim 6 (*e.g.*, *Matthews* and *Johnson* do not disclose systems that operate on television signals). And thus in light of claim 12 and claim 6 from which claim 12 depends, not all limitations of claim 12 have been met in the combined references, either alone or in combination. Applicant respectfully requests that the rejection be withdrawn.

Applicant also respectfully traverses the rejection of claim 13. There is no language in the cited portions of either *Bertram*, *Johnson*, or *Matthews* that anticipates the step of "**emulating the movement** of the media graphical icon corresponding to the translated item **by updating the visual location of the media graphical icon on the screen repeatedly**," as recited in claim 13. Thus, Applicant respectfully requests that the rejection to claim 13 be withdrawn.

F. Claims 24 and 25

With regard to claim 24, the Office Action alleges,

> It would have been obvious at the time to a person of ordinary skill in the art to form an icon which would visually represent the media content information item on the display screen as taught by Nykanen et al. The reason for doing so would be to provide an easily recognizable representation of a media content information item on the display screen.

Applicant respectfully traverses the finding of obviousness. There is no suggestion or motivation to combine these two references, as *Bertram* is concerned with providing a cursor on a display and *Nykanen* is a computer system concerned with forming an icon. Applicant respectfully requests that the rejection be withdrawn.

Applicant also traverses the rejection of claim 25. Neither *Bertram* nor *Nykanen*, alone or in combination, disclose, teach, or suggest "wherein the logic is configured to **change features of the media graphical icon depending on menu item type and menu item location on the television screen**," as recited in claim 25. Additionally, as explained above, there is also no motivation to combine these two references. Thus, Applicant respectfully requests that the rejection to claim 25 be withdrawn.

G. Claims 14

With regard to claim 14, the Office Action alleges.

> It would have been obvious at the time to a person of ordinary skill in the art to modify the method of Bertram et al., Johnson et al. and Matthews III, et al. to include the step of changing the features of graphical icon depending on the media content information item type and the media content information item location on the television screen as taught buy Nykanen et al. The reason for doing so would be to make the graphical item representative of any additionally desired information, such as media content information type and any circumstances associated with the media content information item's location on the television screen.

Neither of these references, alone or in combination, disclose, teach, or suggest "**changing the features of the media graphical icon depending on the item type and the item location on the television screen,**" as recited in claim 14. Additionally, as explained above, there is also no motivation to combine at least *Nykanen* with *Bertram*. Thus, Applicant respectfully requests that the rejection to claim 14 be withdrawn.

H. Claims 26 and 27

With regard to claim 26, the Office Action alleges,

> It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Bertram et al. to include the step of storing the coordinates of the original residence of the media content information item and the television screen coordinates of the media content information item as the item is dragged across the television screen in a memory in the client device as taught by Johnson et al. The reason for doing so would be for the typical advantage of rendering the media content information item in the correct position on the display, both when the item is at its original residence, and when it is dragged across the television screen.

Applicant assumes that the Office Action mistakenly substituted language of the method claim 1 (cancelled, and now claim 6 will be used to address the rejection) into the system claim 23 (cancelled, and now claim 26 will be used to address the rejection). Applicant respectfully traverses the finding that it would have been be obvious to modify the system disclosed by *Bertram* to include coordinates as the menu item is dragged across the television screen in a memory. *Bertram* fails to provide an enabling disclosure for "drag and drop" functionality on a **television screen**. The use of *Johnson*, a patent that describes positioning for multiple icons in a "computer system" (see title and Figure 1), fails to

remedy the deficiency of *Bertram* in that drag and drop functionality for a **television screen** is still not disclosed. Applicant respectfully requests that the rejection be withdrawn.

As claim 27 is dependent on claim 26, claims 27 is allowable as a matter of law. Additionally, the Office Action alleges in the rejection of claim 27,

> The "ObjectInfo" structure is admitted to be flexible (col. 4, lines 61-65), and it would have been obvious at the time to a person of ordinary skill in the art to store the screen coordinates as relative to the original residence coordinates in the manner taught by Johnson et al. for calculating position (col. 6, lines 7-15),...

Applicant traverses the finding of obviousness. Applicant does not see where in the cited portion (col. 4, lines 61-65) the "ObjectInfo" structure is described as being flexible in the use of absolute versus relative screen coordinates. Additionally, the calculations of the position of a new object found in the portion cited by the Office Action (col. 6, lines 7-15) would appear to be flawed if relative coordinates were used, and there is no discussion on treating the calculation with other than absolute coordinates. Applicant respectfully requests that the rejection be withdrawn.

I. Claims 22, 31, and 38-42

Regarding claim 31, the Office Action alleges,

> It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Bertram et al. to provide the graphical containers with alterable features which would provide feedback to the user when the media content information item on the television screen is spatially close to the graphical container as taught by Magid et al. The reason for doing so would be to indicate the status or availability of the graphical container the icon is being dragged proximate to.

Applicant traverses the finding of obviousness. The cited portion (col. 6, lines 54-58) describes changing the "iconic representation of the being moved icon," and not the icon being moved over (*e.g.*, a graphical container). Thus, neither *Bertram* nor *Magid*, alone or in combination, disclose, teach, or suggest all of the claim limitations of claim 31. Applicant respectfully requests that the rejection be withdrawn.

With regard to claims 38-42, the Office Action completely ignores the claim limitation directed to the "**arrow key**." Although Applicant traverses the findings of obviousness for several reasons, the issue of obviousness is rendered moot as the substantive examination of claims 38-42 has not been addressed, namely the determination of whether the *Bertram* and *Magid* reference discloses, teaches, or suggests all claim limitations for claims 38-42. As a representative example of the rejection and corresponding finding of obviousness, the Office Action alleges for claim 38,

> It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Bertram et al. to configure the logic such that when and activation button is pressed concurrently with an arrow key, the media content information item is moved, and further configure the logic such that when the activation button is released, movement is completed, as taught by Magid et al. the reason for doing so would be to stimulate the traditional drag and drop functionality commonly associated with mouse pointers on a PC that a majority of users are familiar with.

Neither *Bertram* nor *Magid* disclose, teach, or suggest "wherein the logic is further configured to receive a signal from the remote control device corresponding to the pressing of the activation button to select a menu item, wherein the logic is further configured to receive a signal corresponding to the pressing of the at least one **arrow key** while the activation button is pressed to cause pick-up and translation of the menu item,

wherein the logic is further configured to receive signals from the remote control device corresponding to a subsequent deactivation of the activation button and the at least one **arrow key** to cause the menu item to be dropped in a graphical container," as recited in claim 38. The Office Action completely ignores the claim limitation directed to the "**arrow key**." Additionally, drag and drop functionality is not enabled for dragging an item across a "**television screen**" (as recited in the base claim 26) in *Bertram* nor is it disclosed in *Magid* for other than computer systems. Thus, Applicant respectfully requests that the next Office Action address all of the claim limitations of claims 38-42 (claim 42 being dependent on claim 37), or otherwise remove the rejection to these claims.

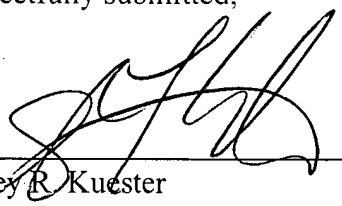
IV. Canceled Claims

As identified above, claims 1, 23, and 34 have been canceled from the application through this response without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

CONCLUSION

Applicant respectfully submits that pending claims 2-22 and 24-33, and 35-44 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. Additionally, although some claims have been addressed on the issue of obviousness, the omission of other claims is not intended to be construed as an implied admission that the Applicant agrees with the rejection or finding of obviousness for the respective claim or claims. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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